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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)Nos.1293 and 1294 of 2022

M.Kannan ... Petitioner in W.P.(MD)No.1293 of 2022
M.Raja ... Petitioner in W.P.(MD)No.1294 of 2022

vs.

1.The Additional Chief Secretary/Commissioner of Revenue
Administration and Disaster Management,
Ezhilagam, Chepauk, Chennai – 600 005.

2.The District Collector,
Madurai District, Madurai. ... Respondents in both cases

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first and second respondents, ie., the Additional Chief Secretary/Commissioner of Revenue Administration and Disaster Management, Chennai in செ.மு.ஆ.எண்.வ.நி5(1)/17817/2021 நாள் 10.12.2021 and the District Collector, Madurai District in his மு.மு.சி. 2/8071/12009, மு.மு.சி.2/8072/12009 நாள் 15.03.2013 and to quash the same and consequently, to direct the respondents to grant a licence to the petitioner for possession of a revolver purely for self protection within a specified time frame that may be fixed by this Court.



For Petitioner :Mr.S.Visvalingam
For Respondents :Mr.N.Muthu Vijayan,
Special Government Pleader
(in both cases)

COMMON ORDER

Two brothers, M.Kannan, aged 52 years and M.Raja, aged 53 years, both sons of S.Muthiah, have filed the two Writ Petitions questioning the orders of the Additional Chief Secretary/Commissioner of Revenue Administration and Disaster Management, Chennai, both dated 10.12.2021 and the orders of the District Collector, Madurai District, both dated 15.03.2013 and to quash the same. The petitioners seek grant of licence for possession of revolver for their self protection.

2.Heard Mr.S.Visvalingam, learned Counsel for the petitioner in both cases and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents in both cases.

3.The father of both the petitioners had led a very interesting life. He was a Superintendent of Police at Dindigul. It is the specific case of the respondents that at that particular point of time, misusing the address,



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both the petitioners herein were able to obtain gun licences. This was originally in the year 2000. Subsequently, this permission was cancelled by the District Collector, Dindigul, by an order, dated 30.05.2002. The petitioners then filed appeals before the Principal Commissioner and Commissioner of Revenue Administration and the same were also rejected. Thereafter, the petitioners applied for fresh gun licence to the second respondent in the year 2009.

4.A direction was given by a learned Single Judge of this Court in Writ Petitions filed by the petitioners herein directing to consider the representation given by the petitioners for issuance of gun licence as expeditiously as possible. The applications of the petitioners were rejected in the year 2013. Statutory appeals were filed by the petitioners before the first respondent and that were also dismissed in the year 2021. Claiming that the petitioners required a gun for their protection while they carry huge amount of cash, according to them, to their business companies/spinning mills and to protect themselves from wild animals, the gun licences are sought.



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5.The reasons stated by the petitioners are cannot stand the scrutiny of this Court. In so far as the reasons for requirement for gun are concerned, the petitioners have stated that there are wild animals and therefore, for their own protection, the gun licences are required. This would also inversely mean that the petitioners seek licence to shoot down wild animals. The animals are treasures of the forest and the petitioners cannot claim any privilege or right to wander around the forest and thereafter, seek permission to issue gun licence for protection from wild animals. They need not enter into the forest. They may stay at their house. They may stay away from the habitation of wild animals. Gun licences cannot be issued on that particular ground.

6.The second ground for which the petitioners seek gun licence is that they carry huge amount of cash for the various business concern which they have and also because they are both Class-I contractors. There are so many Class-I contractors across the State of Tamil Nadu and if this ground is considered, then every Class-I contractors would start applying for gun licence and this order would be used as a precedent for that. The petitioners, as owners of various companies, would certainly



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have the personnel necessary to transport cash. At any rate, transportation/payment of more than Rs.20,000/- is prohibited and it is only online transfer, which is encouraged in the present days. Therefore, that reason of carrying huge cash cannot withstand the scrutiny of this Court. The petitioners can very well arrange for bank accounts to be opened and transfer cash either through online/internet transfer or through any other mode.

7.It is seen that the originally licences were obtained giving a false address using the address of the father, who was then Superintendent of Police. There were several cases registered against the father and the petitioners herein. Though those cases were ended in acquittal, it only shows that the petitioners have an affinity to get involved in acts of crime and offence. This cannot be encouraged and to such persons, if a gun is also given and permission is given to use the gun, then it will only lead to more chaos and confusion and the security of common innocent people would be at risk, leave alone the animals in the forest. I am not impressed with the reasons stated in the affidavit filed in support of these Writ Petitions.



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8.The learned Counsel for the petitioners places reliance on Section 13 of the Arms Act, 1959. There is no duty cast on the respondents to issue gun licence, merely because, somebody applies. The nature and conduct of the person must be analysed. Here, the petitioners faced criminal cases. Though that ended in acquittal, the fact that FIRs were registered against them is a fact to be considered. The fact that their father was a Superintendent of Police, against whom an FIR was registered under Section 302 IPC should also be considered. The petitioners have influence in the area. I am not impressed with the reasons advanced. The gun licences cannot be sought as a matter of right. It is not required to be granted. The reasons to reject are again reaffirmed.

9.The Writ Petitions are dismissed. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

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C.V.KARTHIKEYAN, J.

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Order made in
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